

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 7
RED ROCK SERVICES CO., LLC,	:	Case No. 07-21572REF
Debtor	:	

ROBERT H. HOLBER, Chapter 7	:	
Trustee of RED ROCK SERVICES	:	
CO., LLC,	:	
Plaintiff	:	
v.	:	Adv. No. 09-2112
SUFFOLK CONSTRUCTION	:	
COMPANY, INC.,	:	
Defendant	:	

ORDER

AND NOW, this 2 day of January, 2013, upon my consideration of the Memorandum Opinion and Order I entered on August 30, 2012, which resolved the substantive merits of this adversary proceeding and upon my consideration of the Memorandum Opinion I entered today, which resolved the requests for attorneys' fees and costs submitted by the parties, and upon the findings of fact, conclusions of law, and discussion in the Memorandum Opinion,

IT IS HEREBY ORDERED that JUDGMENT IS HEREBY ENTERED IN FAVOR OF PLAINTIFF, TRUSTEE, AND AGAINST DEFENDANT in the amount of \$1,156,909.46 on the Silo Point project.

IT IS FURTHER ORDERED that JUDGMENT IS HEREBY ENTERED IN FAVOR OF DEFENDANT AND AGAINST PLAINTIFF, TRUSTEE, in the amount of \$852,201.83 on the McCormack project.

IT IS FURTHER ORDERED that Defendant may offset the \$852,201.83 it is owed by Plaintiff against the \$1,156,909.46 it owes to Plaintiff, Trustee, to arrive at a net recovery of \$304,707.63 in favor of Plaintiff, Trustee.

IT IS FURTHER ORDERED that Plaintiff, Trustee's Motion for an Award of Attorneys' Fees and Costs is HEREBY GRANTED and Plaintiff, Trustee, is awarded attorneys' fees in the amount of \$959,287.50, expert costs of \$56,064.57 and other costs and disbursements of \$71,791.65, for a total award of \$1,087,143.72, all of which it may recover as the prevailing party from Defendant pursuant to Paragraph 8.16 of the Silo Point subcontract.

IT IS FURTHER ORDERED that Defendant's Application For Attorneys' Fees and Costs is HEREBY GRANTED and Defendant is awarded attorneys' fees in the amount of \$514,294.67 and costs in the amount of \$78,549.73, for a total award of \$592,844.40, all of which it may recover as the

prevailing party from Plaintiff, Trustee, pursuant to paragraph 8.16 of the McCormack subcontract.

IT IS FURTHER ORDERED that Defendant may offset the \$592,844.40 in fees and costs it is owed by Plaintiff against the \$1,087,143.72 in fees and costs it owes to Plaintiff to arrive at a net recovery of \$494,299.32 in fees and costs in favor of Plaintiff.

BY THE COURT

A handwritten signature in black ink, appearing to read 'R. E. Febling', written over a horizontal line.

RICHARD E. FEHLING

United States Bankruptcy Judge